

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ENZO BIOCHEM, INC. and
ENZO LIFE SCIENCES, INC.

Plaintiffs,

v.

PERKINELMER, INC. and
PERKINELMER LIFE SCIENCES, INC.,

Defendants.

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No. 03-CV-3817 (RJS)

**NOTICE OF MOTION
TO EXCLUDE
TESTIMONY AND
OPINIONS OF DR.
LOUIS P. BERNEMAN**

PLEASE TAKE NOTICE that upon the annexed Declaration of Roy Taub, dated March 4, 2014 (including the exhibits attached thereto), and the accompanying Memorandum of Law, Plaintiffs Enzo Biochem, Inc. and Enzo Life Sciences, Inc. hereby moves this Court for an Order Pursuant to Fed. R. Civ. Pro. 26 and Fed. R. Evid. 702, to exclude at trial the testimony and opinion of Dr. Louis P. Berneman, one of the expert witnesses of PerkinElmer, Inc. and PerkinElmer Life Sciences, Inc., on the following subjects: (1) the meaning or custom and usage of “covered by the claims of an ENZO PATENT” in the Distributorship Agreement; and (2) the meaning or custom and usage of seven terms, including “Commercial Development” and “Commercial Exploitation,” in the Distributorship Agreement.

Dated: March 4, 2014

Respectfully submitted,

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